

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LAWRENCE WERTS, SR.,  
Plaintiff,**

**v.**

**MEGAN J. BRENNAN, et al.,  
Defendants.**

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**Civil Case 3:19-CV-2279-D**

**ORDER**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Plaintiff filed objections, and the undersigned district judge has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the court adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

It is therefore ordered that this action is dismissed without prejudice for want of jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**SO ORDERED.**

November 27, 2019.

  
SIDNEY A. FITZWATER  
SENIOR JUDGE